

REMARKS/ARGUMENTS

The present amendment is in response to the Official Action mailed June 29, 2004. Applicants submit this amendment with a three-month extension petition along with a Request for Continued Examination (RCE). Applicants have amended independent claims 58 and 86 and dependent claim 61. Claims 58-111 remain pending and are presented for consideration.

In the Official Action, the Examiner has rejected claims 58-64, 66-72, 75-76, 86-88, 90-98 and 101-102 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,192,454 to De Vos ("De Vos") in view of U.S. Patent No. 6,029,068 to Takahashi et al. ("Takahashi"). In addition, claims 65 and 89 were rejected as being under 35 U.S.C. § 103(a) as being unpatentable over De Vos in view of Takahashi and further in view of U.S. Patent No. 5,731,723 to Sakuma ("Sakuma"). Finally, claims 73-74, 77-85, 99-100 and 103-111 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Vos in view of Takahashi and further in view of U.S. Patent No. 5,241,428 to Goldwasser et al. ("Goldwasser") and Sakuma.

As an initial matter, Applicants have amended dependent claim 61 to correct for an obvious typographic error only.

With the present amendments to the other claims, Applicants have sought to clarify the invention over the video-on-demand (VOD) system of De Vos and the database communication system of Takahashi, which forms, *inter alia*, the rejection of the two independent claims, claims 58 and 86.

In particular, Applicants have amended claims 58 and 86 to clarify that the apparatus of claim 58 and method of claim 86

pertains to apparatus and steps performed on the user (audience) side as shown, for example, by apparatus at receiving facility 3 in Figure 1 of the present application. Namely, in claim 58 for example, user receiving apparatus, including the receiving unit, demultiplexer, instruction unit status determination unit and controller, is provided at a user end which is remote from a transmission end which broadcasts the multiplexed data signal.

In addition, as provided in claim 58 for example, the transmission end broadcasts, and the user receiving apparatus receives, a *repeatedly broadcast* multiplexed data signal from which the data of interest (e.g., music data) is demultiplexed and extracted. Support for the sending and receiving of such a repeatedly broadcast multiplexed data signal can be found, for example, in the present application at pages 21-22. Unlike a VOD system, with the presently claimed invention, the program is repeatedly broadcasted and the program matched to the user's request is stored in the designated storage unit.

Still further, as provided in amended claim 58 for instance, the two or more storage units are provided at the user end and the instruction unit, also located at the user end as part of the user receiving apparatus, is operable to send download mode instructions to a designated storage unit that is selected by the user from two or more storage units provided at the user end. For example, Figures 28-31 and their respective descriptions in the specification show and describe the selectability by the user receiving apparatus of different storage units for downloading of the desired data signal from the repeatedly broadcast multiplexed data signal. Figure 20, for example, shows a plurality of storage devices 13 that are connected to an IRD.

Note that method claim 86 likewise includes the

above-discussed features.

The present invention of claims 58 and 86 is not believed to be rendered obvious by the combination of De Vos and Takahashi. De Vos discloses a video-on-demand (VOD) system, which does not include multiple storage units connected to the user receiving apparatus (i.e., each end device 40 of De Vos is not attached to multiple storage units which in turn can be selected by the user for downloading). Thus, the apparatus at the user end in De Vos (the set top boxes 40) do not include an instruction unit operable to send download mode instructions to a designated storage unit selected by the user from two or more storage units provided at the user end. This is because the end user in De Vos is not deciding on which storage device connected the set top box will receive the selected data signal from the multiplexed data signal. By contrast, in De Vos, the user of each end device or set top box merely makes a request or demand for information, which is then downloaded to that demanding set top box 40, and not a further user-selectable storage device attached thereto.

With respect to the Examiner's position that the set top boxes of De Vos also can download programs, it is nevertheless the case that desired programs are not being obtained from a repeatedly broadcast multiplexed data signal. Moreover, while the set top box of De Vos may store a program, there is no choice of which storage device connected to the set top box is to be designated to store the program.

Furthermore, the download mode instructions in De Vos are sent, according to the Examiner, by one of the system managers 60, the SMU 20 or the navigation devices 30. Such devices, however, are not at the user end location (the location of each end device 40), but are at locations remote to the user end.

Therefore, De Vos does not teach or disclose either the instruction unit or instruction step as claimed.

Additionally, the video-on-demand system of De Vos teaches away from the use of a *repeatedly broadcast* multiplexed data signal since video-on-demand is generally the opposite of a system that uses a repeatedly broadcast signal.

With respect to Takahashi, similar to De Vos, the downloading occurs from a remote location to portable terminals, and there are no further user selectable storage devices connected to the user receiving apparatus (e.g., portable terminals 8) or located at the user end. For example, the downloading can be from database 143 to multiple portable terminals 8C-8F (See Fig. 26). Thus, Takahashi lacks a status determining unit or step to receive download status information from the *user-selected storage unit* and also lacks a controller or step to permit downloading of the desired data signal to the *user-selected storage unit* as claimed. Again, like De Vos, Takahashi also lacks a repeatedly broadcast multiplexed data signal.

Even if Takahashi were read to disclose a status determination unit and controller (which is not believed to be the case), when combined with De Vos, however, such combination would still not produce the invention as presently claimed for all the reasons discussed above. Therefore, the rejection of independent claims 58 and 86, as well as the other claims that depend therefrom, should be withdrawn.

In view of the above, each of the presently pending claims is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/353,707

Docket No.: SONYJP 3.0-077

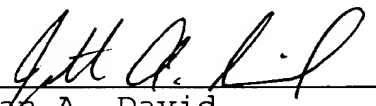
If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 518-6331 in order to overcome any additional objections that he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By


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